

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANIEL PORTUGAL,)
Plaintiff(s),) No. C 08-0276 CRB (PR)
v.) ORDER
N. GRANNIS, et al.,) (Docket # 13 & 14)
Defendant(s).)

Plaintiff, a prisoner at High Desert State Prison ("HDSP") in Susanville, California, filed a pro se civil rights complaint for damages under 42 U.S.C. § 1983 alleging that, while incarcerated at Salinas Valley State Prison ("SVSP") in Soledad, California, prison dentists "botched" several dental surgical procedures. Per order filed on May 27, 2008, the court found that plaintiff's allegations state a cognizable § 1983 claim for damages against the named SVSP defendants and ordered the United States Marshal to serve them.

Plaintiff has now filed a motion for discovery (docket # 13) and a motion for leave to proceed in forma pauperis (docket # 14). Both motions are DENIED as moot and unnecessary. The order of service made clear that the parties may conduct discovery in accordance with the Federal Rules of Civil Procedure. "No further court order is required before the parties may conduct discovery." May 27, 2008 Order at 4. And per separate order filed the same day, plaintiff was previously granted leave to proceed in forma pauperis.

SO ORDERED.

DATED: August 8,2008


CHARLES R. BREYER
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DANIEL PORTUGAL,

Case Number: CV08-00276 CRB

Plaintiff,

CERTIFICATE OF SERVICE

v.

N GRANNIS et al,

Defendant.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 8, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Daniel Portugal V-51068
High Desert State Prison
B4-113
P.O. Box 3030
Susanville, CA 96127

Dated: August 8, 2008

Richard W. Wiking, Clerk
By: Barbara Espinoza, Deputy Clerk